

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA**

**SUSAN S. DEPAOLA, Chapter 7 Trustee
for the Bankruptcy Estate of Philip L.
Goodwyn, and SIMPLE PLEASURES,
INC.,**

Case Number: 06-00893-WKW-SRW

Plaintiffs,

v.

**V RESTAURANTS, INC., an Alabama
corporation, and VINCE SAELE, an
individual,**

**Bankruptcy Case No. 05-32325 –
Chapter 7, Bankruptcy Adv. Pro. No.
05-03062-WR**

Defendants.

APPLICATION FOR WRIT OF EXECUTION

COMES NOW, Simple Pleasures, Inc., by and through legal counsel, and requests this Honorable Court to issue a writ of execution against the personal property in the name of, possessed by, and to which V Restaurants, Inc., asserts a claim, and in support thereof, Simple Pleasures, Inc., says as follows:

1. A judgment was entered in favor of Simple Pleasures, Inc., April 3, 2007. A copy of the certificate of judgment is attached hereto.
2. Upon information and belief, it is averred that V Restaurants, Inc., is in possession and operating a restaurant and nightclub facility at 5040 Vaughn Rd, Montgomery, Alabama, 36116.
3. V Restaurants, Inc., is in possession of the above restaurant and nightclub facility incident to a lease, November 10, 2004. The instant lease specifies shops #6, #7, #8, and #9 in the Vaughn Plaza Shopping Center.

4. In addition to the foregoing lease, there are other assets owned, possessed by, or to which V Restaurants, Inc., asserts a claim.

5. Ala. Code §6-9-40 (1975) provides, in pertinent part, that execution may be levied “on real property to which the Defendant has a legal title or perfected equity... or in which he has a vested legal interest in possession...” In addition, Ala. Code §6-9-1 (1975), *et seq.*, provides for the execution on other property of V Restaurants, Inc.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order providing and allowing for a writ of execution for and to include possession under the referenced lease and the remaining term referenced in said lease, and execution and possession of such other property and assets to which V Restaurants, Inc., possesses or claims title, or claims an interest therein.

Respectfully submitted on August 28, 2007.

Memory & Day

By: /S/ James L. Day
James L. Day
ASB-1256-A55J

Von G. Memory
ASB-8137-071V

Attorneys for Plaintiff

OF COUNSEL:

Memory & Day
Post Office Box 4054
Montgomery, AL 36103-4054
Tel (334) 834-8000
Fax (334) 834-8001

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

- placing same in the United States Mail, postage prepaid, and properly addressed
- E-mail
- facsimile
- hand delivery
- delivered in open court

on August 28, 2007.

Daniel G . Hamm, Esq.
560 South McDonough St.
Montgomery, Alabama 36104

/S/James L. Day

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Simple Pleasures, Inc.)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 2:06-cv-893-WKW
vs.)	
)	
V Restaurants, Inc., et al.)	
)	
Defendants.)	

CERTIFICATE OF JUDGMENT

I, Debra P. Hackett, Clerk of the U.S. District Court in and for the Middle District of Alabama, do hereby certify that in the United States District Court in and for the Middle District of Alabama, on the 6th day of April, 2007, Simple Pleasures, Inc., plaintiff, recovered of V Restaurants, Inc., defendant, judgment in the \$104,000.00 and the sum of \$ 2,884.91 for costs incurred in prosecuting this action.

That James L. Day and Von G. Memory, of the firm Memory and Day, PO Box 4054, Montgomery, AL 36103-4054 are the plaintiff attorneys of record and that Simple Pleasures, Inc. is the owner of said judgment.

WITNESS my hand and seal of office this the 23rd day of July, 2007.

Debra P. Hackett, Clerk of the United States District Court

Middle District of Alabama

By: *Challene Campbell*
Deputy Clerk



STATE OF ALA. MONTGOMERY CO.

I CERTIFY THIS INSTRUMENT WAS FILED ON

RLPY 03601 PG 0086 2007 Jul 25 11:53AM

REESE MCKINNEY JR.
JUDGE OF PROBATE

INDEX	\$5.00
REC FEE	\$2.50
CERT	\$1.00
CHECK TOTAL	\$8.50
55977	

Clerk: LESLIE 11:54AM